

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-against-

AIRBORNE WIRELESS NETWORK, *et al.*,

Defendants.

21 Civ. 01772 (CM) (GWG)

**STIPULATION BETWEEN PLAINTIFF SECURITIES AND EXCHANGE
COMMISSION AND DEFENDANT JACK EDWARD DANIELS CONCERNING HIS
DEPOSITION**

Plaintiff Securities and Exchange Commission (“SEC”) and Defendant Jack Edward Daniels (“Daniels”), having conferred regarding the procedure for the SEC’s deposition of Daniels, hereby agree to the following:

1. Daniels shall invoke his Fifth Amendment right in response to the SEC’s substantive questions.
2. Because Daniels will invoke his Fifth Amendment right in response to substantive questions, the SEC’s deposition of Daniels shall be conducted by written questions and responses pursuant to Federal Rule of Civil Procedure 31, with the below modifications.
3. The SEC and Daniels waive the requirements set forth in Federal Rule of Civil Procedure 31(b).
4. Daniels’s written responses to the SEC’s written questions shall be considered certified and usable at trial and/or in connection with any dispositive motion.

5. Daniels will provide written responses to the SEC's written questions within one week of the SEC providing its questions to Daniel's counsel.

6. If, at any time prior to and/or during trial, Daniels decides to waive his Fifth Amendment right and testify substantively, the SEC shall be allowed to re-depose him by oral examination pursuant to Federal Rule of Civil Procedure 30.

Dated: May 23, 2022
New York, New York

Upon consent of the parties:


/s/ Nicholas Margida
Daniel Maher
Nicholas Margida

*Counsel for Plaintiff
Securities and Exchange Commission*

/s/ Sam Edgerton
Sam Edgerton

Counsel for Jack Edward Daniels

SO ORDERED


Hon. Colleen McMahon
United States District Judge

5/24/22